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U.S. PATENT AND TRADEMARK OFFICE
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Robert A. Holton et al.
Serial No. 10/765,692
Filed January 27, 2004
Confirmation No. 1424
For 14-HYDRIDO-9 β -HYDROXYTETRACYCLIC TAXANES
Examiner Amelia A. Owens

Art Unit 1625

September 22, 2004

LETTER TO THE PATENT AND TRADEMARK OFFICE

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,

SIR:

This letter is in response to the Office action dated June 22, 2004.

Reconsideration is requested of the rejection of claims 1-13 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent 6,066,747 and claims 12-13 of U.S. Patent 6,495,704 B1. In the interests of expediting prosecution and without conceding the propriety of the rejection, enclosed herewith is a Terminal Disclaimer in accordance with 37 CFR 1.130(b) and 37 CFR 1.321(c) to obviate the rejection. Accordingly, applicant respectfully requests the obviousness-type double patenting rejection be withdrawn and request allowance of claims 1-13 which are now pending in this application.

* Enclosed is a check in the amount of \$110.00 in payment of the fee for the submission of a Statutory Disclaimer. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

Respectfully submitted,

Bradley S. Schammel, Reg. No. 54,667
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09-23-04

FEE TRANSMITTAL



IFW #

Application Number 10/765,692

Filing Date January 27, 2004

Confirmation No. 1424

Inventors Robert A. Holton, Carmen Somoza, Yukio Suzuki and
Mitsuru Shindo

Group Art Unit 1625

Examiner Name Amelia A. Owens

Attorney Docket Number FSUM 10486.2

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345.
 - The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.
 - Applicant claims small entity status.
2. Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

FEE CALCULATION

1. BASIC FILING FEE Subtotal (1) \$ _____
(Type: _____)

2. EXTRA CLAIM FEES Subtotal (2) \$ _____

Total Claims _____
Independent Claims _____
Multiple Dependent Claims _____

3. ADDITIONAL FEES Subtotal (3) \$ 110.00

- Surcharge - late filing fee or oath
- Surcharge - late provisional filing fee or cover sheet
- Extension for reply within _____ month
- Notice of Appeal
- Filing a Brief in Support of an appeal
- Request for ex parte Reexamination
- Petitions to the Commissioner
- Submission of Information Disclosure Statement
- Recording each patent assignment per property
- Request for Continued Examination
- Other: Terminal Disclaimer

TOTAL AMOUNT OF PAYMENT \$ 110.00

Bradley S. Schammel
Bradley S. Schammel, Reg. No. 54,667

9/22/04
Date

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